

Serial No. 10/006,098
Page 8

REMARKS

Claims 1 - 20 are rejected under 35 U.S.C. § 102(e). Claims 19 and 20 have been cancelled by this amendment.

Applicant respectfully traverses all the outstanding rejections and requests reconsideration and withdrawal thereof in view of the above amendments and following remarks.

Amendments to the Claims

Claims 1, 9 and 14 have been amended.

Claims 19 and 20 have been cancelled without prejudice.

Therefore no new matter has been added.

No amendment was made for the purpose of narrowing the scope of any claim, unless Applicant had argued herein that such amendment was made to distinguish over a particular reference or combination of references.

Claim Rejection - 35 USC § 112

The Office Action rejects, under 35 U.S.C. § 112 second paragraph, Claim 19 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 19 has been cancelled.

Claim Rejections - 35 USC § 102

Serial No. 10/006,098

Page 9

The Office Action rejects, under 35 U.S.C. § 102(e), Claims 1 - 20 over U.S. Patent No. 6,768,899 Janninck et al. (Janninck).

Claim 1 as amended, claim 9 as amended and claim 14 as amended similarly recite a keypad carried on said inner surface of said first housing accessible to the user when the second housing is in a first position, and not accessible to the user when the second housing is in a second position. The claim amendments clarify the position of the keypad in the open and closed positions. Applicants assert, with the claims as amended, that contrary to the Examiner's statement that all elements are disclosed in the Janninck reference, the elements of a closed position wherein the first surface is adjacent to the second surface, a keypad carried on the second surface of the second housing, a user interface disposed upon said first surface, the user interface exposed when the handheld wireless communication device is in the open position, and concealed between the first housing portion and the second housing portion when the handheld wireless communication device is in the closed position are not. For example, the selection button 160 of Janninck is exposed when the upper housing is both in the closed position (FIG. 1) and in the open position (FIG. 2).

Therefore the rejection is unsupported by the art and the application is in condition for allowance.

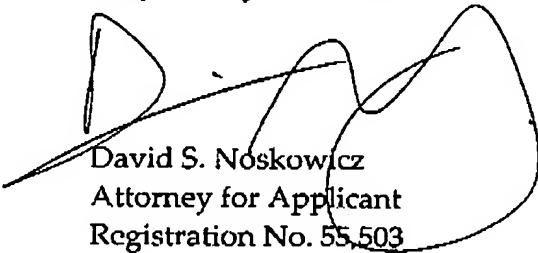
Reconsideration and withdrawal of the rejection of claims 1 - 20 under 35 U.S.C. § 102(e) as being anticipated by Janninck is respectfully requested.

Serial No. 10/006,098
Page 10

CONCLUSION

The application is in condition for allowance and a favorable response at an early date is earnestly solicited. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact Applicants' representative at the telephone number indicated below. Please charge any fees associated herewith, including extension of time fees, to **Deposit Account 502117**.

Respectfully submitted,


David S. Noskowicz
Attorney for Applicant
Registration No. 55,503

Dated: February 21, 2006

Phone No. (847) 523-2333
Fax No. (847) 523-2350

Please send correspondence to:
Motorola, Inc.
Intellectual Property
600 North U.S. Highway 45
Libertyville, IL 60048